90-1840

Supreme Court, U.S.
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No.

# SUPREME COURT OF THE UNITED STATES

## Term October 1990

**Roger W. Knight, petitioner**

**v.**

**Julie S. Bell and all other employees of the Washington Office of Support Enforcement, respondant**

On Writ of Certiori to the United States Court of Appeals for the Ninth Circuit

# PETITION FOR WRIT OF CERTIORI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

**Roger W. Knight, pro se**
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**Renton, Washington 98058**
**206-255-1579**

## I. Questions Presented For Review

A. District court and court of appeals relied heavily upon court of appeals precedent, *Duranceau v. Wallace*, (CA9 1984) 743 F. 2d. 709, in denying preliminary injunction. This precedent uphead the seizure by state officers of a tort judgment awarded to a parent without custody of his child for child support. The action by Mr. Knight in district court challenges the seizure by state officers of his wages for child support. The decisions below applied to the *Duranceau* dicta to the wage garnishment in determining the probability of success by Mr. Knight on the merits. Are these decisions below in error by allowing continued seizure of Mr. Knight's wages contrary to his right to due process of law for deprivation of specialized property?

B. Did decision below give less weight to the injuries and hardships suffered by Mr. Knight due to the wage garnishment that he is entitled to under due process?

C. Does decisions below grant Mr. Knight the right to petition for Supreme Court review of *Duranceau*?

D. Is *Duranceau* in error when reviewed against the requirement for equal protection of the laws? Is use of a remedy not generally available for collection of debts to collect child support debts a denial of equal protection to a suspect class?

E. Is *Duranceau* in error when reviewed against the prohibition of bills of attainder? Can any bill of attainder by its legislative judgment provide any rational basis for statute or legitimate interest of government? Is the legislative judgment against parents without custody of children on public assistance for the costs of public assistance and the social consequences thereof and provisions for enforcement of this legislative judgment by state officers a bill of attainder? Is the vailidity of any legislative judgment seriously in question when challenged as a bill of attainder?

F. The petition for rehearing in the court of appeals concerns the presumption by the district court and the court of appeals that Mr. Knight's children will suffer injury if Mr. Knight is granted injunction, or otherwise stops payment of money to the state agency. Upon this presumption of injury support is collected from Mr. Knight and preliminary injunction is denied. Is preliminary injunction that allows continued deprivation or property a civil judgment and as such, requires a preponderance of evidence to prove injury that can be remedied by the continued deprivation of property?

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## IV. Statement of Grounds for Jurisdiction of this Court

The Memorandum below was filed on February 15, 1991. The Petition for Rehearing was denied on March 12, 1991.

This Petition for Writ of Certiori is presented within 90 days of the denial of rehearing.

28, U.S.C. §1254(1) provides for review of cases in the courts of appeals by writ of certiori upon petition by a party in a civil or criminal case before or after rendition of judgement.

## V. Laws Involved in this Case

Provisions of the United States Constitution

Article I Seciton 10 Clause 1

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Fifth Article of Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Ninth Article of Amendment

The enumeration in the Constitution, or certain rights, shall not be construed to deny or disparage others retained by the people.

Fourteenth Article of Amendment
Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

Laws of the United States

28 U.S.C. §1254(1)

Cases in the courts of appeals may be revewed by the Supreme Court by the following methods:
(1) By writ of certiori granted upon petition of any party to any civil or criminal case, before or after rendition of judgement or decree;

28 U.S.C. §1292(a)(1)

(a) Except as provided in subsections (c) and (d) of this section, the courts of appeals shall have jurisdiction of appeals from:
(1) Interlocutory orders of the district court of the United States, the United State District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing, or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

28 U.S.C. §1343(a)(3)

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:
(3) To redress the deprivation under color of any State law, statute, ordinance, regulation, custom, or usage, of any right, privilege, or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

42 U.S.C. §1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Laws of the State of Washington.

RCW 26.23.060, RCW 74.20.010, and RCW 74.20A.010 are lengthy and are therefore set forth in the appendix.

## VI. Statement of the Case

On October 31, 1989, Julie S. Bell, an employee of the Washington Office of Support Enforcement which is part of the state's Department of Social and Health Services, served upon Roger W. Knight's employer a Notice of Payroll Deduction. This Notice does not cite any judicial proceeding or the name of any court, and did not contain any signature other than Ms. Bell's.

On April 13, 1990, Mr. Knight filed a complaint in the district court that Ms. Bell acted under color of state law to deprive him of his federal rights. Mr. Knight is asking for recovery of liability provided by 42 U.S.C. §1983. District court has jurisdiction to hear such complaints provided by 28 U.S.C. §1343(a)(3). Mr. Knight also moved for preliminary injunction against the seizure of his property and person by the defendent class.

On June 5, 1990, the district court denied preliminary injunction.

On June 19, 1990, Mr. Knight appealed the denial of preliminary injunction to the court of appeals. Court of appeals has jurisdiction to hear such appeals of interlocutory decisions provided by 28 U.S.C. §1292(a)(1).

On February 15, 1991, the court of appeals affirmed the denial of prelminary injunction.

On March 12, 1991, the court of appeals denied the petition for rehearing.

## VII. Argument For Allowance of the Writ

A review on writ of certiori is a matter of judicial discretion and there are special and important reasons in this case for this Court to grant the petition.

Questions A and B

The court of appeals has rendered a decision applying the dicta of another court of appeals decision, *Duranceau v. Wallace*, (CA9 1984) 743 F. 2d. 709 affirming the seizure of a tort judgment, to the seizure of wages, in determining the probability of Mr. Knight's success on the merits of his complaint in district court. The court of appeals considers *Duranceau* to be controlling and finds no difference between a tort judgement and wages when said property is owned by a parent without custody of his children.

This decision decides a federal question in a manner that is in direct conflict with *Sniadach v. Family Finance Corp.*, (1969) 395 U.S. 337, 23 L. Ed. 2d, 349, 89 S. Ct. 1820. This Court determined that Christine Sniadach's wages were specialized property requiring considerably more due process to justify deprivation than other forms of property.

The reason that this Court determined that wages were specialized property is the severe hardships that are imposed upon wage earners by the seizure of up to 50% of the net income, the overwhelming leverage of the creditor over the debtor, the coercive effect upon the debtor, and thereby the effective denial of due process when said garnishment takes place prior to judgment.

The prohibition of prejudgment garnishments by this Court protects the wage earner from this destructive deprivation of property while the court action is pending.

It is to obtain the exact same type of relief that Mr. Knight moved for preliminary injunction of the district court. A preliminary injunction would provide protection to Mr. Knight from the exact same type of hardships experienced by Ms. Sniadach while being heard on his complaint that the wage garnishment is a state action that deprives him of his federal rights to due process, equal protection, and to not to be the target of bills of attainder.

The support order against Mr. Knight is for $753 per month out of a net income of between $1800 and $1900 per month. This is 40% of Mr. Knight's net income! The wage garnishment is for 50% of Mr. Knight's net income unless he earns an excess amount due to overtime, bonus, or three paychecks instead of two. He is paid every fortnight. Mr. Knight has appealed the support order in the state courts contending that the state support laws as they now exist are bills of attainder. This appeal is pending.

The Fifth and Fourteenth Amendment Due Process Clauses have long been considered by this Court to provide identical protections. This Court has found that the Fifth Amendment Due Process Clause provides a penumbra of equal protection. *Bolling v. Sharpe*, (1954) 347 U.S. 497, 98 L. Ed. 884, 74 S. Ct. 693 and subsequent decisions affirming. Claims of equal protection under both Amendments are treated precisely the same by this Court. *San Francisco Arts & Athletics, Inc. v. United States Olympic Comittee*, (1987) 483 U.S. 522, 97 L. Ed. 2d 427, 107 S. Ct. 2971.

The denial of preliminary injunction is based upon Mr. Knight's status as a parent without custody of his children. This is in direct conflict with *Zablocki v. Redhail*, (1978) 434 U.S. 374, 54 L. Ed. 2d. 618, 98 S. Ct. 673 which established that parents without custody of their children are a suspect class entitled to equal protection of the laws.

Question C.

The district court and the court of appeals has considered *Duranceau* to be controlling and has completely ignored the repeated citation by Mr. Knight of *Sniadach*, *Zablocki*, and other decisions by this Court. The decisions below do not mention these cases. To reestablish the doctrine that the opinions of this Court are binding upon all Tribunals inferior to this Court established by Congress is a special and important reason to grant review on certiori. Mr. Knight has been so injured by *Duranceau*, he is entitled to petition this Court for review of this earlier court of appeals decision.

Question D.

*Duranceau* is in direct conflict with *Zablocki* in that it denies to the suspect class defined by *Zablocki* equal protection of the laws as to a fundamental right, the right to due process of law. It is also in direct conflict with numerous other decisions applying equal protection analysis to family law. The question of whether the use of a remedy not generally available to the collection of debts to collect child support denies equal protection of the laws to a suspect class is an important question of federal law which should be decided by this Court, and has not been so decided.

Question E.

*Duranceau* is the reason that Mr. Knight got interested in the prohibition of bills of attainder. It relied upon a clearly stated legislative judgment in RCW 74.20A.010, a Washington statute, that deprives a class of persons of their property and their liberty, a legislative judgment for which there has never been any trial, to provide a rational basis of statute and legitimate interest of government to justify the state action against Ronald Duranceau.

This is in direct conflict with *United States v. Brown*, (1965) 381 U.S. 437, 14 L. Ed. 2d. 484, 85 S. Ct. 1707; *Cummings v. Missouri*, (1867) 71 U.S. 277, 18 L. Ed. 366 and every other decision by this Court concerning the prohibition of bills of attainder.

Can any bill of attainder provide any rational basis for statute or any legitimate interest of government? Is legislative judgment against parents without custody of children on public assistance for the costs of public assistance and the social consequences thereof and provisions for enforcement of said legislative judgment by state officers of bill of attainder?

These are EXTREMELY important questions of federal law that have not been decided by this Court, and should be so decided the first time this Court is presented the opportunity. This question goes right to the root of how family law is practiced in the Unted States and the systematic denial of the rights specifically enumerated in the 50 state Constitutions and the United States Constitution to parents without custody of children.

This is a question that should be decided by this Court, and as soon as possible.

Another important federal question that should be decided by this Court is whether any legislative judgment is seriously in question when challenged as a bill of attainder.

Question F.

It has long been considered that the right to due process requires a preponderance of evidence standard to justify any civil judgment that deprives a person of his or her property, and in some civil cases, a clear and convincing standard may be required. This Court hs recently confirmed this preponderance of evidence standard as a minimum in two decisions, *Addington v. Texas*, (1979) 441 U.S. 418, 60 L. Ed. 2d. 323, 99 S. Ct. 1804 and *Rivera v. Minnich*, (1987) 483 U.S. 574, 97 L. Ed. 2d. 473, 107 S. Ct. 3001. An important federal question that should b decided by this Court is whether denial of preliminary injunction that allows continued deprivation of property is a civil judgment. The case law appears to be quiet on this issue.

If the answer is affirmative, then decisions below that presume injury to Mr. Knight's children without any evidence of such injury is in conflict with *Addington* and *Rivera* and offends Mr. Knight's right to due process of law.

The Effect of Denial of Certiori

The opportunity to decide the federal due process issue of whether preliminary injunctions are civil judgments is lost. The case goes back to district court for determination of Mr. Knight's complaint on its merits. Mr Knight will continue to be deprived of his property through wage garnishment while this case is pending. Mr. Knight will be forced to fight against *Duranceau* in courts that have already found this precedent to be controlling and will most likely ignore Mr. Knight's citations of the decisions of this Court, before he gains another opportunity to petition this Court for certiori.

Others affected by these laws will have to continue to suffer the liabilities and penalties of these laws until another petition raising these issues comes before this Court.

This Court has the opportunity to decide these extraordinary issues of family law and constitutional rights, with this petition right now.

## VIII. Conclusion

For the reasons stated herein, and for the blatant disregard of the rights of parents without custody of their children, of the decisions of this Court, such mistreatment of the parents which cannot be in the best interests of their children, this petition for writ of certiori should be granted.

Respectfully submitted,

Roger W. Knight
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Renton, Washington 98058
206-255-1579

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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|---|---|
| ROGER W. KNIGHT,<br><br>Plaintiff-Appellant,<br><br>v.<br><br>JULIE S. BELL, and all other employees of the Washington Office of Support Enforcement,<br><br>Defendent-Appellee. | No. 90-35481<br><br>DC No. CV-90-535-BJR<br><br>MEMORANDUM* |

Appeal from the United States District Court for the Western District of Washington
Barbara J. Rothstein, District Judge, Presiding

Submitted February 8, 1991**
Seattle, Washington

Before: WALLACE, Chief Judge, O'SCANNLAIN and LEAVY, Circuit Judges.

Roger Knight appeals from the district court's

ruling on his section 1983 claim for declaratory

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* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit R. 36-3.

** The panel unanimously finds this case suitable for submission on the record and briefs and without oral argument. Fed. R. App. P. 34(a), Ninth Circuit R. 34-4.

and injunctive relief. He alleges first, that the district court erred in denying his motion for a preliminary injunction to prevent state authorities from seizing his wages and second, that the procedure whereby his wages were seized is unconstitutional. We affirm with respect to the first challenge and decline to address the second.

I

A

The denial of a preliminary injunction is interlocutorily appealable. 28 U.S.C. §1292(a)(1) (1988).

B

This court has previously held that

> (t)he grant or denial of a motion for a preliminary injunction lies within the discretion of the district court. Its order granting or denying the injunction will be reversed only if the district relied on an erroneous legal premise or abused its discretion. A district court's order is reversable for legal error if the court does not employ the appropriate legal standards which govern the issuance of a preliminary injunction, or if, in applying the appropriate standards, the

court misapprehends the law with respect to the underlying issues in litigation.

Sports Form, Inc. v. United Press Int'l. Inc., 686 F. 2d. 750, 752. (9th Cir. 1982)(citations omitted). Under this extremely deferential standard, we must affirm. Knight has revealed no "erroneous legal premise" to support his appeal, and it is apparent from the face of the district court's order that the court applied the appropriate legal standard by which to assess the propriety of injunctive relief. See Knight v. Bell, No. 90-535 at 2-3 (W.D. Wash. June 5, 1990)(citing and applying Colorado River Indian Tribes v. Town of Parker, 776 F. 2d. 846, 849 (9th Cir. 1985)). Moreover, in Duranceau v. Wallace, 743 F. 2d. 709(9th Cir. 1984) this court explicitly rejected a claim that Washington's procedures for the collection of child support violate due process by failing to provide prompt postgarnishment hearings to delinquent parents. In light of that decision, we can hardly say that the

district court abused its discretion when it found an insufficient possibility of irreparable harm to Knight and an improbability of his success on the merits. Similarly, there is no abuse in holding that the balance of hardships favors ensuring support for a dependent child while a parent's litigation proceeds.

II

We lack jurisdiction to address Knight's underlying constitutional challenge because the district court has not yet finally ruled on the matter. Despite Knight's obvious desire to have us reach the merits and appellee's willingness to proceed in the interests of "judicial economy," the record remains incomplete, and the parties cannot confer jurisdiction by agreement.

AFFIRMED.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

| | |
|---|---|
| ROGER W. KNIGHT, | ) No. 90-35481 |
| Plaintiff-Appellant, | ) DC No. CV-90-535-BJR |
| v. | ) |
| JULIE S. BELL, and all other employees of the Washington Office of Support Enforcement, | ) ORDER |
| Defendent-Appellee. | ) |

Before: WALLACE, Chief Judge, O'SCANNLAIN and LEAVY, Circuit Judges.

The petition for rehearing is DENIED.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

| | |
|---|---|
| ROGER W. KNIGHT,<br><br>Plaintiff,<br><br>v.<br><br>JULIE S. BELL and all other employees of the Washington Office of Support Enforcement,<br><br>Defendent. | No. C90-535R<br><br><br><br>ORDER DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION |

THIS matter comes before the court on plaintiff's motion for preliminary injunction. Having reviewed the motion, together with all documents filed in support and in opposition, and being fully advised, the court finds and rules as follows:

## I. Background

Plaintiff Roger W. Knight filed a complaint against Julie S. Bell and the Washington Office of Support Enforcement, alleging violation of his civil rights under 42 U.S.C. §1983. Specifically, plaintiff argues that defendents served

a Notice of Payroll Deduction upon plaintiff's employer, The Boeing Company, for purposes of collecting delinquent child support. Payroll deduction for support is provided for under RCW 26.23.060. Plaintiff claims that collection of wages without court order or approval is a violation of the Equal Protection Clause of the 14th Amendment, and that parents without custody of their children are a suspect class for purposes of court review of his equal protection claim.

Plaintiff now moves for preliminary injunction prohibiting the defendents from garnishing any of plaintiff's earnings, seizing any property, or taking any action against plaintiff that could result in his arrest or imprisonment. Defendents oppose this motion, arguing that the standards for granting a preliminary injunction are not met in this case.[1]

## II. Discussion

The Ninth Circuit has held that a preliminary

injunction is allowable if the court finds that the moving party demonstrates either (1) probable success on the merits and the possibility of irreparable injury, or (2) that serious questions are raised and the balance of hardships sharply favors the moving party. Colorado River Indian Tribes v. Town of Parker, 776 F. 2d. 846, 849 (9th Cir. 1985).

Plaintiff challenges the constitutionality of the statutes and proceedings under which the Washington Department of Social and Health Services' (DSHS) Office of Support Enforcement has obtained and used a notice of payroll deduction to enforce Knight's obligation to

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[1]The court notes that Knight has also initiated several simular actions in state court. The Washington State Supreme Court denied plaintiff's motion for preliminary injunction on March 30, 1990.

Defendents have requested attorney's fees pursuant to Rule 11 for responding to an allegedly frivolous motion. The court declines to award attorney's fees at this time. However, plaintiff should be on notice that the court has the power to assess terms under Rule 11 for unmeritorious actions, and will not hesitate to do so in the future.

financially support his three children. However, he presents no legal authority for his charge that court review is required before the State of Washington may initiate a collection procedure against him. DSHS collection procedures have been found to be in accord with due process. Duranceau v. Wallace, 743 F. 2d. 709 (9th Cir. 1987). Plaintiff has not established a probable success on the merits of his complaint. Plaintiff has also not established that he will suffer irreparable injury if the injunction is not granted. Should plaintiff ultimately prevail on his claims, the court may order DSHS to refund any money erroneously collected from him.

THEREFORE, since plaintiff has not extablished the necessary grounds for granting a preliminary injunction, his motion is DENIED.

DATED at Seattle, Washington this 5th day of June, 1990.

/s/
BARBARA J. ROTHSTEIN
CHIEF UNITED STATES
DISTRICT JUDGE

Laws of the State of Washington, now set forth in this appendix as declared on page 8 of the Petition for Writ of Certiori.

RCW 26.23.060

(1) The department may serve a notice of payroll deduction upon a responsible parent's employer for child support obligations if the responsible parent fails to pay child support as due in an amount equal to or greater than the support payable for one month. Service shall be by personal service or by any form of mail requiring a return receipt.

(2) Service of a notice of payroll deduction upon an employer requires an employer to immediately make a mandatory payroll deduction from a responsible parent/employee's disposable earnings.

(3) A notice of payroll deduction for support shall have priority over any wage assignment or garnishment.

(4) The notice of payroll deduction shall be

in writing and include:

(a) The name and social security number of the employee;

(b) The amount to be deducted from the responsible parent's disposable earnings each month, or alternate amounts and frequencies as may be necessary to facilitate processing of the payroll deduction by the employer;

(c) A statement that the total amount witheld shall not exceed fifty percent of the responsible parent's disposable earnings; and

(d) The address to which the payments are to be mailed or delivered.

(5) An informational copy of the notice of payroll deduction shall be mailed to the last known address of the responsible parent by regular mail.

(6) An employer who receives a notice of payroll deduction shall make immediate deductions from the employee's unpaid disposable earnings and remit proper amounts to the Washington state

support registry on each date the employee is to be paid.

(7) An employer, upon whom a notice of payroll deduction is served, shall make an answer to the Washington state support registry within twenty days after the date of service. The answer shall confirm compliance and initiation of the payroll deduction or explain the circumstances if no payroll deduction is in effect. The answer shall also state whether the responsible parent is employed by or receives earnings from the employer, whether the employer anticipates paying earnings and the amount of earnings. If the responsible parent is no longer employed, or receiving earnings from the employer, the answer shall state the present employer's name and address, if known.

(8) The employer may deduct a processing fee from the remainder of the employee's earnings after witholding under the notice of payroll deduction, even if the remainder is exempt

under RCW 26.18.090. The processing fee may not exceed: (a) Ten dollars for the first disbursment made by the employer to the Washington state support registry; and (b) one dollar for each subsequent disbursement to the registry.

(9) The notice of payroll deduction shall remain in effect untill released by the office of support enforcement or the court enters an order terminating the notice and approving an alternate payment plan under RCW 26.23.050(2). (1989 c 360 §32; 1987 c 435 §6.)

RCW 74.20.010

It is the responsibility of the state of Washington through the state department of social and health services to conserve the expenditure of public assistance funds, whenever possible, in order that such funds shall not be expended if there are private funds available by judicial process or otherwise to partially or completely meet the

financial needs of the children of this state. The failure of parents to provide adequate financial support and care for their children is a major cause of financial dependency and a contributing cause of social delinquency. The purpose of this chapter is to provide the state of Washington, through the department of social and health services, a more effective and efficient way to effect the support of dependent children by the person or persons who, under the law, are primarily responsible for such support and to lighten the heavy burden of the taxpayer, who in many instances is paying toward the support of dependent children while those persons primarily responsible are avoiding their obligations. It is the intention of the legistlature that the powers delegated to the said department in this chapter be liberally construed to the end that persons legally responsible for the care and support of children within the state be

required to assume their legal obligations in order to reduce the financial cost to the state of Washington in providing public assistance funds for the care of children. It is the intention of the legistlature that the department provide sufficient staff to carry out the purposes of this chapter, chapter 74.20A RCW, the abandonment and nonsupport statutes, and any applicable federal support enforcement statute administered by the department. It is also the intent of the legistlature that the staff responsible for support enforcement be encouraged to conduct their support enforcement duties with fairness, courtesy, and the highest professional standards. (1979 ex. s. c 171 § 24; 1979 c 141 § 364; 1963 c 206 §1; 1959 c 322 § 2.)

RCW 74.20A.010

Common law and statutory procedures governing the remedies for enforcement of support for financially dependent minor children by respon-

sible parents have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency. The increasing workload of the courts, prosecuting attorneys, and the attorney general has made such remedies uncertain, slow and inadequate, thereby resulting in a growing burden on the financial resources of the state, which is constrained to provide public assistance grants for basic maintenance requirements when parents fail to meet their primary obligations. The state of Washington, therefore exercising its police and sovereign power, declares that the common law and statutory remedies pertaining to family desertion and nonsupport of minor children shall be augmented by additional remedies directed at the real and personal property resources of the responsible parents. In order to render resources more immediately available to meet the needs of minor children, it is the legis-

lative intent that the remedies herein provided are in addition to, and not in lieu of, existing law. It is declared to be the public policy of this state that this chapter be construed and administered to the end that children shall be maintained from the resources of responsible parents, thereby relieving, at least in part, the burden presently borne by the general citizenry through welfare programs.
(1971 ex. s. c 164 §1.)